

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	1:19-cr-00362-SEB-TAB
	)	
MARCUS DILLARD,	)	
Defendant.	)	

**EMERGENCY MOTION FOR RELEASE FROM DETENTION  
BASED UPON THE COVID-19 PANDEMIC**

Defendant Marcus Dillard, by counsel, Sam Ansell, respectfully moves the Court to enter an Order releasing Mr. Dillard to home incarceration until resolution of his case and designation to a Bureau of Prisons facility, or until 10 days after the rescission of the Public Health Emergency<sup>1</sup>.

A new strain of coronavirus, COVID-19, has been declared by the World Health Organization as a pandemic and on March 13, 2020, President Trump declared that the COVID-19 outbreak constituted a national emergency. This virus is extremely contagious and presents an extreme risk to incarcerated populations. Mr. Dillard is at a high risk of severe illness or death because he has chronic respiratory and cardiovascular conditions. Mr. Dillard is not charged with a violent offense and had never been convicted of a violent offense. If released to home incarceration, Mr. Dillard would live with his wife and their three children at the home they shared before his arrest.

Mr. Dillard contemporaneously files a memorandum in support of this motion.

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<sup>1</sup> *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, President Donald J. Trump, at <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

**WHEREFORE**, the defense requests that the Court enter an Order releasing Mr. Dillard to home incarceration with any additional conditions the Court deems necessary.

For the health of all involved, defense counsel requests that any hearing on this emergency motion be conducted by telephone or video conference. At such hearing, the defense would waive Mr. Dillard's physical presence so long as he is electronically present and able to participate by telephone or video conference. In the event a hearing is scheduled, defense requests that it be expedited.

Respectfully submitted,

H. Samuel Ansell

H. Samuel Ansell

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**CERTIFICATE OF SERVICE**

I certify that on March 29, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

H. Samuel Ansell

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